REMARKS

Summary

Claims 1-41 are pending in the application, with claims 1, 12, 30, and 38 being the independent claims. Claims 1, 2, 6-24, 26-32, and 34-41 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WO 01/21067 ("Iasemidis"). Claims 3-5, 25, and 33 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Iasemidis in view of U.S. Pat. No. 5,365,939 ("Ochs").

Telephonic Interview

Applicants' undersigned attorney wishes to thank Examiner Nasser for the opportunity, on September 12, 2007, to conduct a telephonic interview on the pending Application and for his careful attention to the matter. During the interview, claim elements directed to "choosing a selected predictor from amongst a plurality of possible predictors" was discussed. Agreement was reached that the quoted claim element appears to patentably distinguish the invention of the application from the cited art.

Claim Rejections – 35 U.S.C. § 102

Independent Claim 1

Claim 1 recites, in part: "choosing a selected predictor from amongst a plurality of possible predictors based on a level of entrainment of critical channel groups associated with each predictor." The pending Application discloses that

> "a predictor is a specific number of critical channel groups (G) **in combination with a specific number of channels per channel group** (K), given a total number of channels (N). Typically, G will be in the range of 1-5 and K will be in the range of 3-6. When G ranges from 1-5 and K ranges from 3-6, there are **20 possible predictors**: G_1K_3, G_2K_3, G_3K_3, . . . G_5K_6."

(Specification, ¶ 0062, emphasis added.)

The Application describes an embodiment of part of the process of choosing a selected predictor as:

> For each predictor G_xK_y, the algorithm considers each and every possible combination of "y" channels given

> a total number of channels N. For example, consider the predictor G_3K_5, where there are 30 total channels (N=30). ... The average T-index value for each group, ***for each predictor*** G_xK_y, is computed based on the T-index values associated with the channel pairs that make up each corresponding group. ... The algorithm then determines the most relevant channel groups ***for each predictor***. ... The optimal predictor(s) $G_xK_yOpt_N$, will then be identified based on the prediction performance during the initialization period (i.e., 311-331).

(Specification, ¶ 0062, emphasis added.)

> ... the end of the initialization period is marked by the ***selection of a particular predictor or predictors*** G_xK_y and the identification of the critical channels that make up each of the x number of critical channel groups associated with selected predictor G_xK_y, as illustrated by ***step 333.***

(Specification, ¶ 0070, emphasis added.)

In Iasemidis, the predictor is fixed throughout the process. As Examiner Baxter stated in the pending office action: "Iasemidis does disclose that the groups are identified as a critical channel pair therefore they are disclosing that ***each group is made up of two channels***." (Office Action of 4/27/07, p. 18, emphasis added.) Iasemidis does not teach "choosing a selected predictor from amongst a plurality of possible predictors based on a level of entrainment of critical channel groups associated with each predictor" as recited in Claim 1. Iasemidis does not teach *choosing* a predictor, but rather teaches only using a predictor comprising exactly two channels per group.

For at least the reasons explained above, Applicants respectfully submit that the cited reference does not teach the quoted claim recitation and, therefore, Claim 1 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of Claim 1 be reconsidered.

Independent Claims 12, 30, and 38

Independent Claims 12, 30, and 38 each contain a recitation relating to "choosing a selected predictor from amongst the plurality of predictors." Thus, for at least the reasons presented above with respect to Claim 1, Applicants respectfully submit that Claims 12, 30, and 38 are patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of Claims 12, 30, and 38 be reconsidered.

Dependent Claims 2-11, 13-29, 31-37, and 39-41

Every pending dependent claim depends, either directly or indirectly, from one of Claims 1, 12, 30, or 38. Applicants respectfully submit that for at least the reasons explained above with respect to the independent claims, the dependent claims are patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be reconsidered.

Conclusion

Claims 1 – 41 are pending in the Application. Applicant respectfully submits that the pending claims are patentably defined over the cited art. Reconsideration and withdrawal of the claim rejections and allowance of all pending claims is earnestly solicited.

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/ Kenneth E. Plochinski /
Kenneth E. Plochinski
Registration No. 59,166

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439